

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:20-CR-00015-RJC-DCK

USA

v.

MAURICE BRANDON RAKESTRAW

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ORDER

THIS MATTER is before the Court upon a motion by the defendant pro se to withdraw his guilty plea based on alleged ineffective assistance of counsel. (Doc. No. 85).

The defendant's direct appeal is pending. (Doc. Nos. 76, 81: Notices of Appeal). Accordingly, the Court does not have jurisdiction to entertain his motion. See Griggs v. Provident Consumer Disc. Co., 459 U.S. 56, 58, (1982) ("The filing of a notice of appeal is an event of jurisdictional significance—it confers jurisdiction on the court of appeals and divests the district court of its control over those aspects of the case involved in the appeal."); Fed. R. App. P. 4(b)(5) (district court retains jurisdiction to correct a sentence under Fed. R. Crim. P. 35(a) in criminal cases).

IT IS, THEREFORE, ORDERED that the defendant's motion, (Doc. No. 85), is **DISMISSED**.

The Clerk is directed to certify copies of this Order to the defendant and the United States Attorney.

Signed: August 8, 2022



Robert J. Conrad, Jr.

United States District Court
Case 3:20-cr-00015-RJC-DCK

